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MCC:MCF:mel:2001V00126

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JOHN CHARLES KENNEY,
Plaintiff

v.

JAKE MENDEZ;
JESUS "JESSE" GONZALEZ;
JAMES "JIMMY" SCARBOROUGH; and
KELLY M. KEISER,
Defendants

:
:
:
: Civil No. 1:CV-00-2143
: (Rambo, J.)
: (Blewitt, M.J.)

FILED
WILLIAMSPORT, PA

SEP - 7 2001

MARY E. DONOFRIO, CLERK
Per KF
DEPUTY CLERK

ANSWER

Defendants Mendez, Gonzalez, Scarborough, and Keiser, by
their counsel, hereby submit the following answer to plaintiff's
complaint:

I. Previous Lawsuits

A. ADMITTED to the extent this paragraph purports to state
plaintiff's prior lawsuits; otherwise, if deemed factual,
defendants lack sufficient knowledge or information to form a
response to this averment.

II. Exhaustion of Administrative Remedies

- A. ADMITTED.
- B. ADMITTED.
- C. DENIED.

III. Defendants

A. ADMITTED to the extent that plaintiff purports to identify a defendant.

B. ADMITTED to the extent that plaintiff purports to identify defendants.

IV. Statement of Claim

1. DENIED.

2. DENIED.

3. DENIED.

V. Relief

1. ADMITTED to the extent this paragraph purports to state the relief plaintiff seeks; to the extent deemed factual, however, DENIED.

2. ADMITTED to the extent this paragraph purports to state the relief plaintiff seeks; to the extent deemed factual, however, DENIED.

3. ADMITTED to the extent this paragraph purports to state the relief plaintiff seeks; to the extent deemed factual, however, DENIED.

FIRST DEFENSE

This action is barred, in whole or in part, due to plaintiff's failure to exhaust all available administrative remedies.

SECOND DEFENSE

The complaint, in whole or in part, fails to state a claim.

THIRD DEFENSE

Defendants are entitled to qualified immunity.

Wherefore, defendants request this Court to enter judgment in their favor and against plaintiff.

Respectfully submitted,

MARTIN C. CARLSON
United States Attorney

Mary Catherine Frye

MARY CATHERINE FRYE
Chief, Civil Division
MICHELE LINCALIS
Paralegal Specialist
316 Federal Building
240 West Third Street
Williamsport, PA 17701-6465

Date: September 7, 2001

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

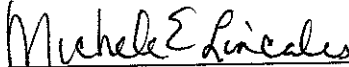
That this 7th day of September, 2001, she served a copy of the attached

ANSWER

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Williamsport, Pennsylvania.

ADDRESSEE:

John Charles Kenney
Reg. No. 05238-041
U.S. Penitentiary
P.O. Box 3000
White Deer, PA 17887


MICHELE E. LINCALIS
Paralegal Specialist